



Entered on Docket
August 24, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegler", is written over a horizontal line.

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Third Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Whole or In Part Upon
Investment In The Mountain House Loan**

Hearing Date: July 26, 2011
Hearing Time: 1:30 p.m.

The Court having considered the "Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Mountain House Loan." ("Mountain House Loan") [DE 8549] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Mountain House Loan; and
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8549] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
6 claims are based upon an investment in the Mountain House Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

14 3993 Howard Hughes Parkway, Ste. 600

15 Las Vegas, Nevada 89169-5996

16 Telephone: (702) 949-8320

17 Facsimile: (702) 949-8321

18 *Attorneys for USACM Liquidating Trust*
19
20
21
22
23
24
25
26

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

#

**USACM Trust
Mountain House
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Mountain House Business Park Loan
10725-01682	12/11/2006	1996 Knobel Trust Dtd 9/5/96	C/O Anna S Knobel Trustee 8919 Challis Hill Ln Charlotte, NC 28226-2687	348,006.20	100,012.72
10725-02289	12/11/2006	2001 Michael T Mcgrath Revoc Tr Dtd 12/11/01	Michael T Mcgrath Ttee 66 Schanda Dr Newmarket, NH 03857-2151	537,321.46	100,000.00
10725-01903	12/11/2006	AIG Limited A Nevada Limited Partnership	9904 Villa Granito LN Granite Bay, CA 95746-6481	813,297.52	50,000.00
10725-02301	12/11/2006	Anderson Fmly Trust Dtd 7/21/92	Gary B & Barbara L Anderson Ttee PO Box 699 Carmelian Bay, CA 96104	1,000,000.00	151,000.00
10725-01177	12/11/2006	Arthur E & Thelma Kebble Family Trust Dtd 5/19/95	C/O Arthur E & Thelma M Kebble Ttees 9512 Salem Hills Ct Las Vegas, NV 89134-7883	327,563.97	50,090.77
10725-02431	12/11/2006	Brines Revoc Fam Trust Dtd 11/5/94, Michael & Cind	Michael R & Cindy G Brines Ttees 4935 El Sereno Ave La Crescenta, CA 91214-3018	771,119.58	50,000.00
10725-01050	12/11/2006	Brooks Living Trust Dtd 6/30/97	C/O Howard D & Doreen C Brooks Ttees 1894 US Highway 50 E Ste 4-344 Carson City, NV 89701-3202	300,000.00	50,000.00
10725-01407	12/11/2006	Cardwell Charitable Trust	C/O Michael J Dawson Esq 515 South Third St Las Vegas, NV 89101	1,549,493.61	236,000.00
10725-01401	12/11/2006	Cardwell Family Trust	C/O Michael J Dawson Esq 515 South Third St Las Vegas, NV 89101	3,226,795.82	200,000.00
10725-02146	12/11/2006	Casebolt Revocable Trust Dtd 2/30/94	Josephine Casebolt Ttee 201 Ada Ave Apt 46 Mountain View, CA 94043-4943	252,188.76	50,000.00

EXHIBIT A

2409553.1